

UNITED STATES DISTRICT COURT

for the

Southern District of TexasUnited States Courts
Southern District of Texas
FILED

MAR 13 2014

David J. Bradley, Clerk of Court

United States of America

v.

Case No. C-14-279M

Saul Gamaliel Lopez Chile

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 03/12/2014 in the county of Brooks in the

Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

Title 18, Section 111(a)1

Forcibly assault, resist, oppose, impede, intimidate, or interfere with an employee of the United States while such employee was engaged in the official performance of their duties.

This criminal complaint is based on these facts:
See attached Affidavit.☒ Continued on the attached sheet.

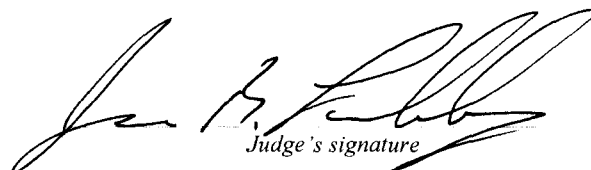
Complainant's signature

Jenelle D. Janabajal, FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: March 13, 2014



Judge's signature

City and state: Corpus Christi, Texas

U.S. Magistrate Judge, Jason B. Libby

Printed name and title

AFFIDAVIT

I, Jenelle D. Janabajal, being duly sworn on oath states:

I am a Special Agent with the Federal Bureau of Investigation (FBI), assigned to the Houston Division, Corpus Christi Resident Agency, and have been so employed since November 2009. Prior to employment with the FBI, I served in the United States Marine Corps as a Judge Advocate. The following facts and information are known by the Affiant and were provided by other law enforcement officers directly involved in the investigation of this matter. These facts and circumstances are being provided as probable cause in support of a complaint for violations of Title 18, United States Code, Section 111(a)1 - forcibly assaulting, resisting, opposing, impeding, intimidating, or interfering with any employee of the United States while such employee is engaged in the official performance of their duties.

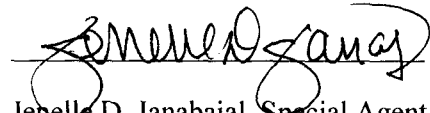
On March 12, 2014, at approximately 9:00 am, Border Patrol Agent William Davis was riding in a Border Patrol vehicle driven by his partner, Jeffery Havicon. Agents Davis and Havicon were traveling on Lucero Road on their way to replace the battery in a Border Patrol surveillance camera as part of their duties as Border Patrol Agents assigned to the Falfurrias Border Patrol Checkpoint. Agent Havicon slowed the vehicle in order to allow a group of havilina to cross the road. As the vehicle slowed, Agent Davis saw a trail leading into the brush. Agent Davis advised Agent Havicon of what he saw and of his intention to examine the trail more closely. Agent Havicon stopped the vehicle and drove backwards to the location Agent Davis had seen the trail. As Agent Davis continued to look down the trail, he saw a person moving along the trail. Agent Davis advised Agent Havicon that he had seen what he believed to be an undocumented alien and dismounted the vehicle.

Agent Havicon pulled the vehicle to the side of the road as Agent Davis proceeded down the trail. Agent Davis encountered an undocumented alien later identified as Saul Gamaliel Lopez Chile. When Chile saw Agent Davis, he began running through the brush away from Agent Davis. Chile tripped and threw dirt in Agent Davis' face and then continued to run. After a brief chase, Agent Davis apprehended Chile. Initially, Chile complied with Agent Davis. Chile told Agent Davis that he could take Agent Davis to a place where other undocumented aliens were hiding. Agent Davis began following Chile down the trail until the two came upon an area of the trail that was enclosed and had limited escape routes. At this time Agent Davis requested Chile return to the vehicle with Agent Davis. At that time, Chile reached around Agent Davis and grabbed his firearm. Agent Davis struggled with Chile in order to retain his firearm. During the struggle Agent Davis's firearm was discharged into the ground two times. Agent Davis and Chile continued to fight for control of the firearm. Chile began hitting Agent Davis and gripping his throat. During the struggle, the firearm became jammed and the slide was locked to the rear. Realizing the firearm was of no use to him and needing both hands to regain control of Chile, Agent

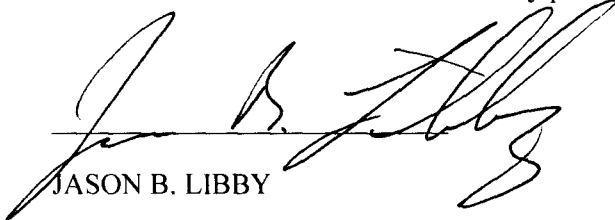
Davis threw his firearm onto the ground. Agent Davis and Chile fell to the ground and continued to exchange blows. While on the ground, both Agent Davis and Chile attempted to recover the firearm. Agent Davis was beginning to get exhausted and Chile was on top of Agent Davis attempting to choke him. Agent Davis was able to grab the firearm and retain the weapon. Agent Davis attempted to fire the weapon at Chile, but the weapon did not discharge. During the struggle Agent Davis had been yelling to Agent Havicon for help. At this time Agent Havicon returned to assist Agent Davis. Agent Davis and Havicon were able to subdue Chile and take him into custody.

Agent Davis was transported to the hospital in Kingsville, Texas for medical attention. Agent Davis suffered various scratches, scrapes and bumps on his face, hands, arms, back, neck, nose and ear. The hospital performed a CT scan on Agent Davis as well. Chile suffered minor scrapes and a possible broken finger.

Your Affiant believes that the statute of limitations has not expired and aforementioned information constitutes sufficient probable cause to believe that Saul Gamaliel Lopez Chile has violated 18 United States Code, Section 111(a)1, by forcibly assaulting, resisting, opposing, impeding, intimidating, or interfering with any employee of the United States while such employee is engaged in the official performance of their duties.


Jehelle D. Janabajal, Special Agent, FBI

Sworn to before me and subscribed in my presence,


JASON B. LIBBY

U.S. Magistrate Judge

March 13, 2014

Date